

# Maximum Height of Structures on Lots with Reduced Setbacks

## Warrant Article 39

To see if the Town will vote to amend the Zoning Bylaw to reduce the maximum height of one-family and two-family dwellings located near lot lines, or act in any other manner in relation thereto.

DESCRIPTION: This article would limit the height of new houses or additions located close to lot lines.



PUBLIC HEARING | FEBRUARY 3, 2016 | Richard Canale, Planning Board

**4.3.5 Height of dwellings near lot lines.** The height of a single-family or two-family dwelling may not exceed the maximum height from Table 2 or 20 feet plus 4/3 times the smallest distance from the dwelling to a lot line, whichever is less.

**6.9.5.3 Yard & Height Requirements.** Yards required by § 135-4.0 and the height limit of § 135-4.3.5 apply to the perimeter of the site, but are not applicable within the site.

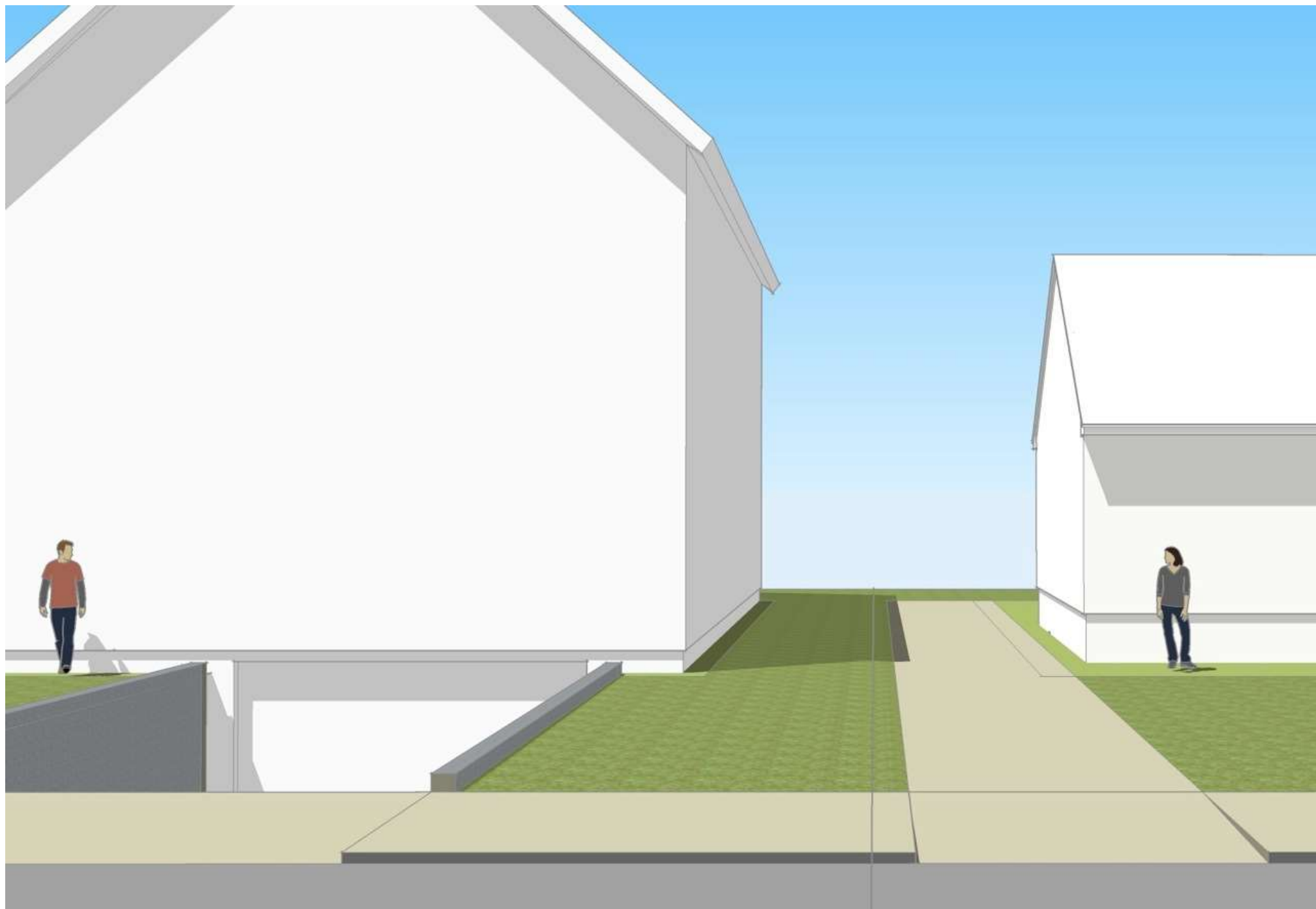
**8.4.1 No Increase in Nonconforming Nature.** Nonconforming one-family and two-family dwellings may be reconstructed, extended, altered, or structurally changed, or a new accessory structure may be constructed, upon a determination by the Building Commissioner that the nonconforming nature of the structure is not increased. Such determination will be deemed to be as of right and the applicant entitled to the issuance of a building permit where each structure is reconstructed, extended, altered, or changed so as to (a) contain the improvements within the site coverage and height of an existing structure; or (b) comply with the ~~following side yard requirements and the front and rear yard requirements of § 135-4.0~~ applicable yard, and height requirements of § 4.0, except that the side yard may be reduced as noted below:

If actual lot frontage is	Side yard must be <u>at least</u>
<del>100 feet or more</del>	<del>Not less than 15 feet</del>
More than 75 feet but <del>less</del> <u>not more</u> than 100 feet	<del>Not less than</del> 12 feet
More than 50 feet but not more than 75 feet	<del>Not less than</del> 10 feet
<u>More than 0 feet but not more than 50 feet</u> <del>or less*</del>	<del>Not less than</del> 7.5 feet

**~~NOTES:~~**

~~\*~~ but not 0





## Effect of Height Bylaw approval

- No change in measuring height or side yard setbacks.
- Properties with 15 foot side yard setbacks can still build to 40 feet.
- Does not apply to front or rear yard setbacks.
- Only affects properties with existing or planned side yard setbacks of less than 15 feet.
- Allowed height will be based upon how close the dwelling is to the side yard property line.





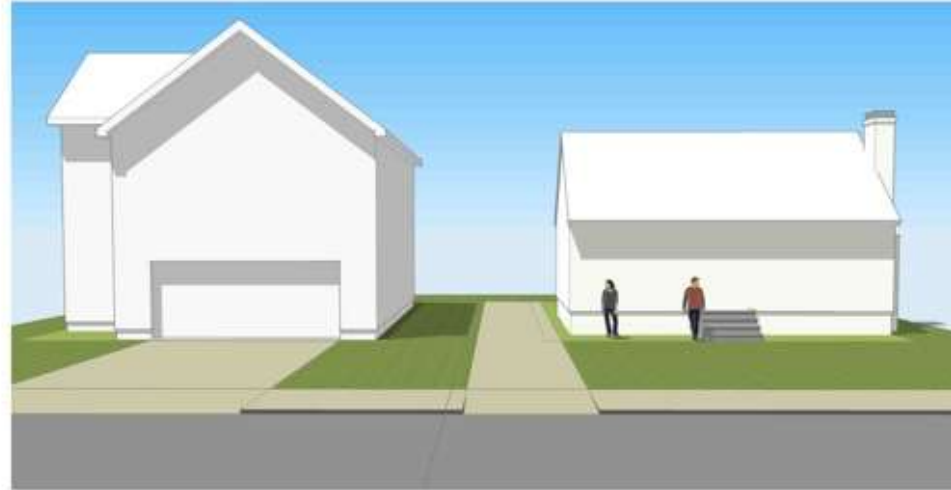
# Maximum Height of Dwellings Near Lot Lines

## Proposal:

The proposed height restriction would limit height on a sliding scale determined by the shortest distance between the proposed structure and the side property line.

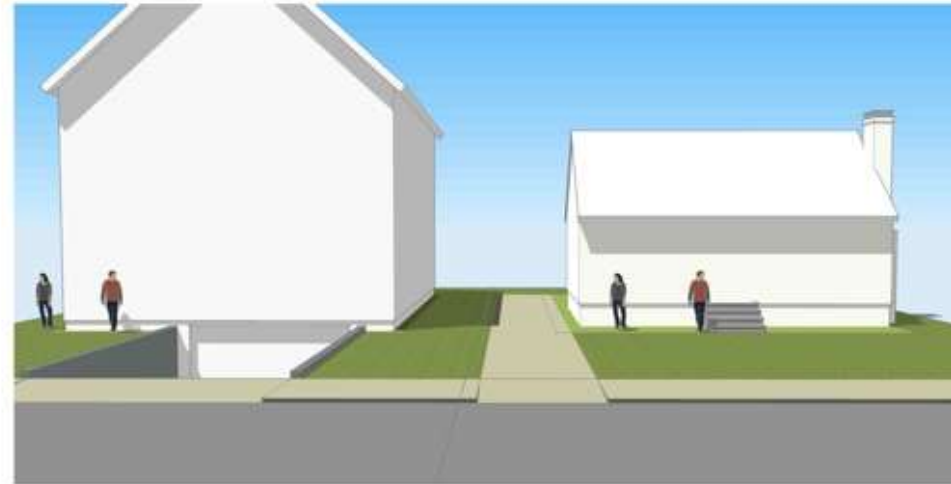
Setback (ft)	Max. Height (ft)
0	20.0
5	26.7
7.5	30.0
10	33.3
12	36.0
15	40.0

ADJACENT HOUSES ON 50 FOOT - WIDE LOT  
SHOWING EFFECT OF GRADUATED HEIGHT LIMIT



HYPOTHETICAL NEW HOUSE  
-- BUILT TO PROPOSED  
MAXIMUM HEIGHT LIMIT

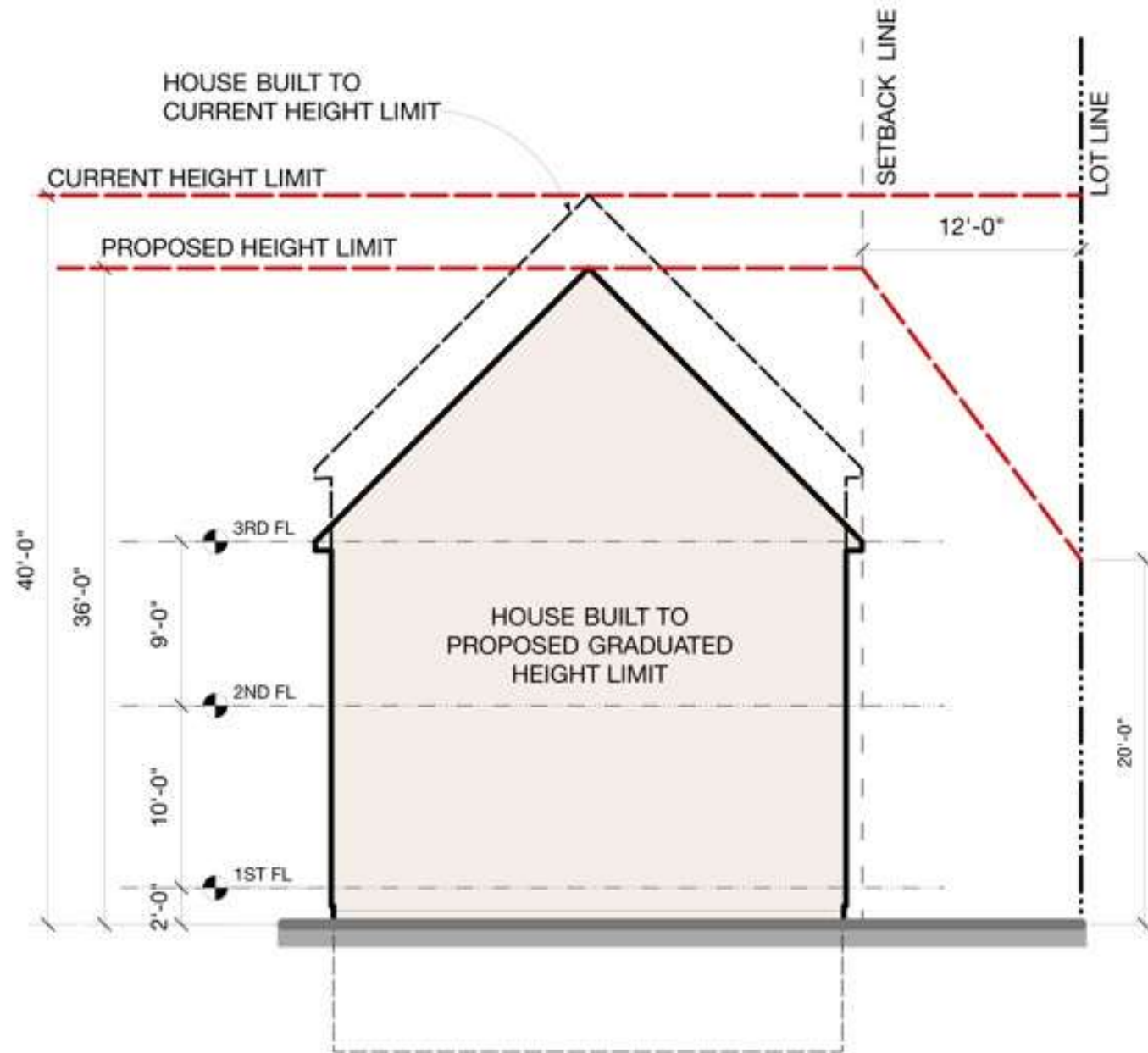
TYPICAL 1-1/2 STORY  
SMALL CAPE



HYPOTHETICAL NEW HOUSE  
-- BUILT TO CURRENT  
MAXIMUM HEIGHT LIMIT

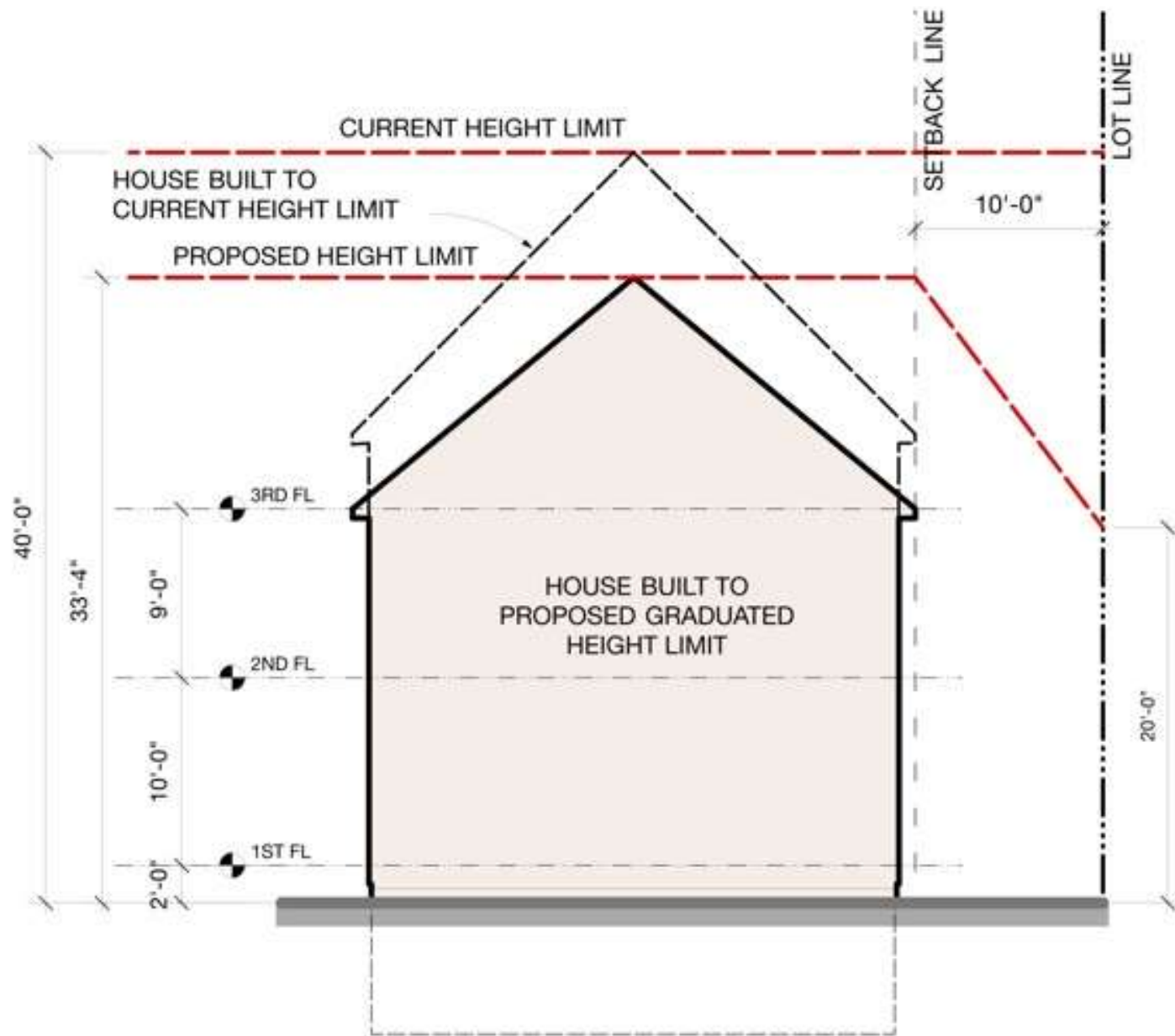
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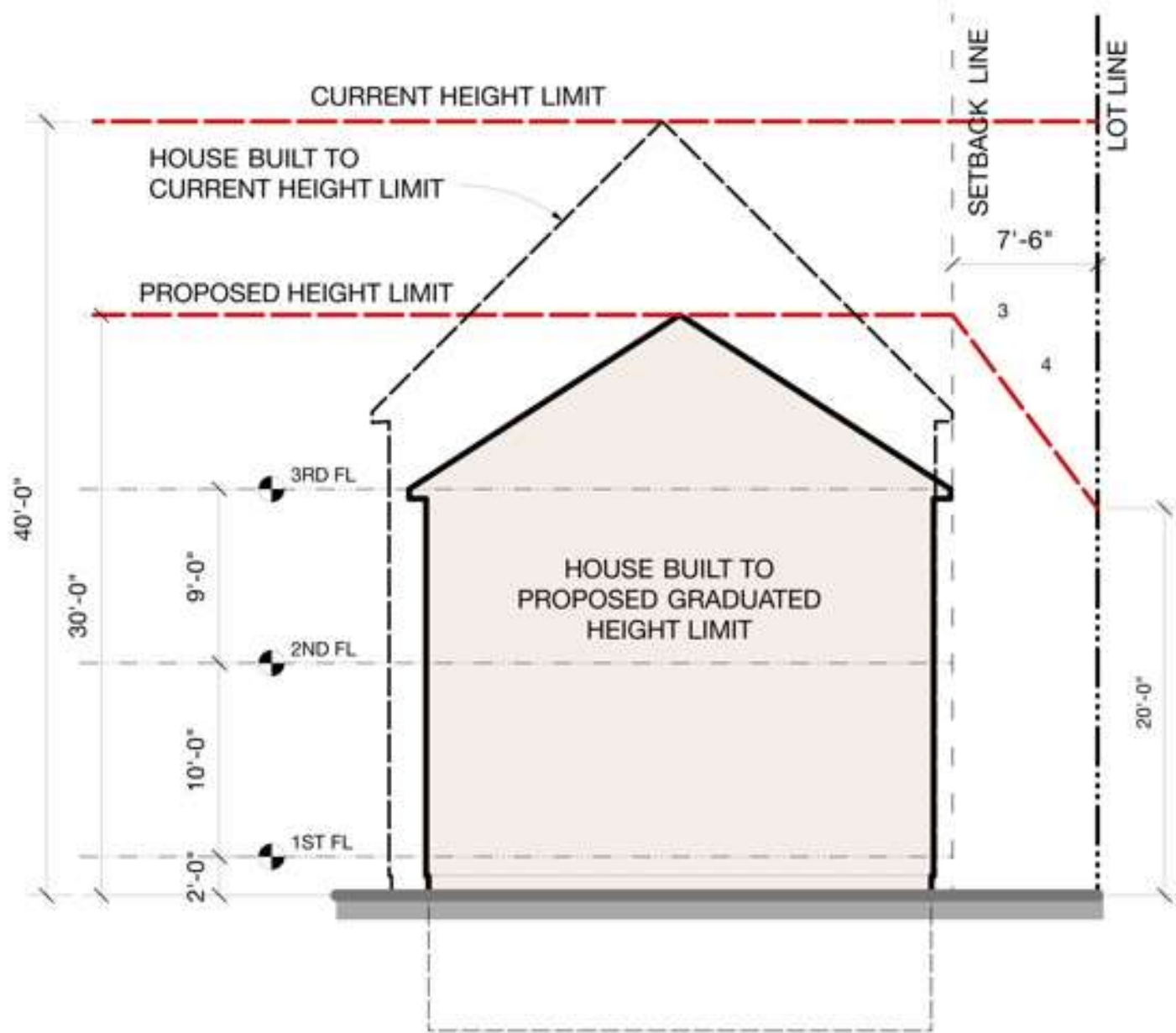
**SKETCH 3 : PROPOSED 36'-0" HEIGHT LIMIT FOR  
NONCONFORMING LOT WITH 12' SIDE YARD SETBACK**

Setback (ft)	Max. Height (ft)
0	20.0
5	26.7
7.5	30.0
10	33.3
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15	40.0



**SKETCH 2 : PROPOSED 33'-4" HEIGHT LIMIT FOR  
NONCONFORMING LOT WITH 10' SIDE YARD SETBACK**

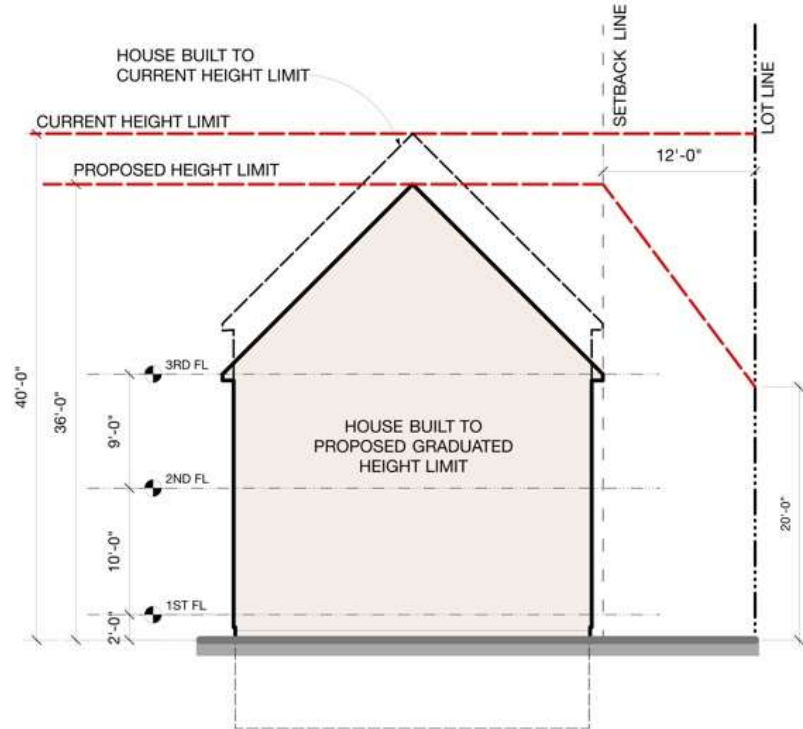
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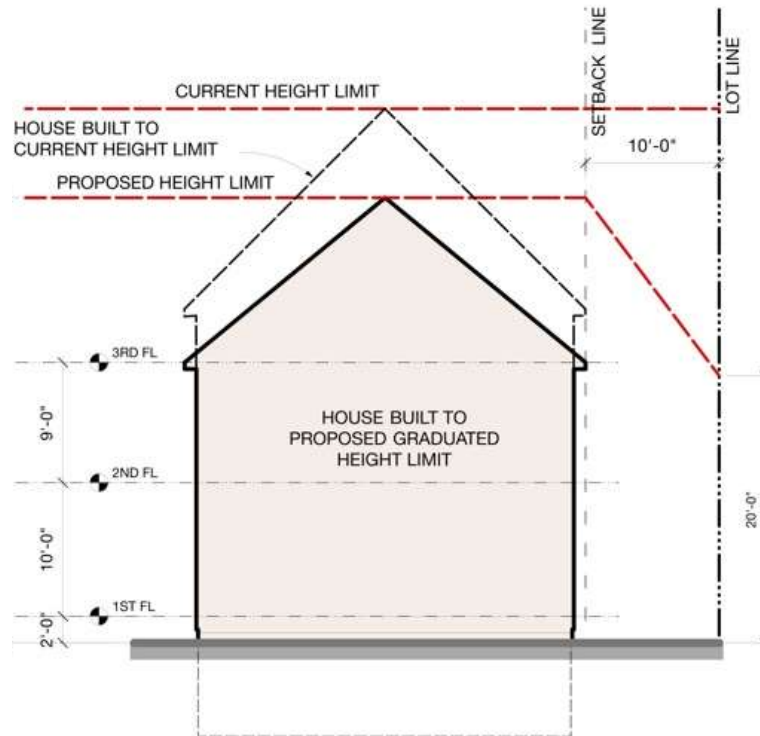
**SKETCH 1 : PROPOSED 30' HEIGHT LIMIT FOR  
NONCONFORMING LOT WITH 7.5' SIDE YARD SETBACK**

Setback (ft)	Max. Height (ft)
0	20.0
5	26.7
7.5	30.0
10	33.3
12	36.0
15	40.0

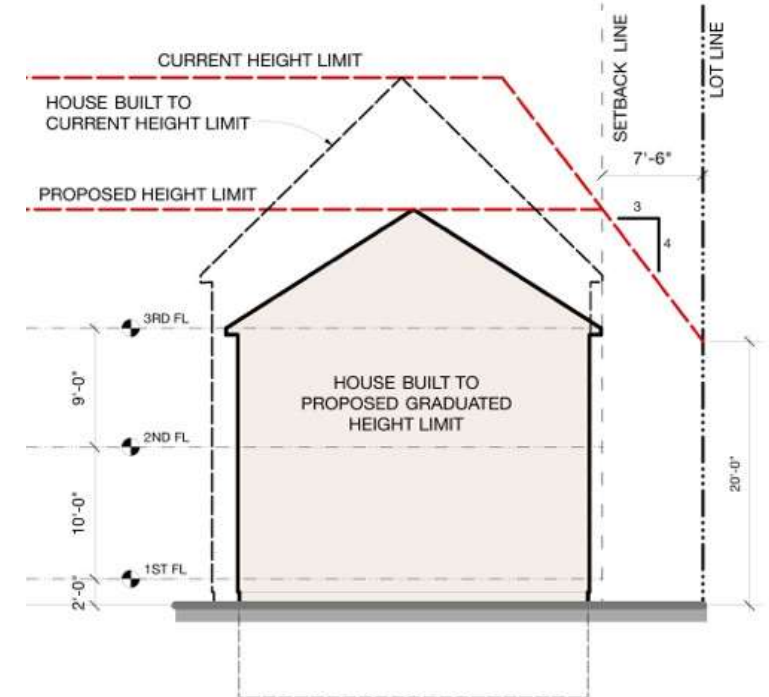
# Maximum Height of Dwellings Near Lot Lines



SKETCH 3: PROPOSED 36'-0" HEIGHT LIMIT FOR NONCONFORMING LOT WITH 12' SIDE YARD SETBACK



SKETCH 2: PROPOSED 33'-4" HEIGHT LIMIT FOR NONCONFORMING LOT WITH 10' SIDE YARD SETBACK



SKETCH 1: PROPOSED 30' HEIGHT LIMIT FOR NONCONFORMING LOT WITH 7.5' SIDE YARD SETBACK



## Article 39

**4.3.5 Height of dwellings near lot lines.** The height of a single-family or two-family dwelling may not exceed the maximum height from Table 2 or 20 feet plus  $4/3$  times the smallest distance from the dwelling to a lot line, whichever is less.

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